IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

APEAL NO.112 OF 2006
IN
NOTICE OF MOTION NO.79 OF 2005
IN
MISCELLANEOUS PETITION NO.27 OF 2005
IN
TESTAMENTARY PETITION NO.63 OF 2005

Kavas Khurshed Nariman ..Appellant.
(Orig.Respondent)

Vs.

Cyrus Behram Irani & Ors. ..Respondents.

Mr.Jokhim Reis with Mr.N.J.D'Monte for the Appellant.

Mr.A.Y.Sakhare with Mr.R.M.Vasudeo for the Respondents.

CORAM: DR.S.RADHAKRISHNAN AND S.J.VAZIFDAR, JJ.

DATED: 7TH MARCH, 2006

P.C. :

Heard learned counsel for the Appellant and the learned counsel for the Respondents.

2. By this Appeal, the Appellant is challenging the order dated 22.12.2005 passed by the learned Single Judge, which is an interlocutory order protecting both the sides in Miscellaneous Petition No.27 of 2005.

3. Perused the said order, specially paragraphs 13 and 14. Sufficient protection is granted to the Appellant. Moreover, the learned counsel Mr.Sakhare, states that there are only two trust properties with which the present Miscellaneous Petition is concerned and both the properties are fully tenanted and the learned counsel has no objection if the following additional protection is being given.

4. Respondent Nos.1 to 3 are directed to file an undertaking in this Court within a period of two weeks from today that they will not create any tenancy and/or create any third party right and/or part with possession with regard to the aforesaid trust properties and/or encumber the same in any manner whatsoever.

5. The Respondents shall also disclose on an affidavit, names of all the tenants who are occupying the premises in the aforesaid properties.

6. The Charity Commissioner, Mumbai, shall expeditiously dispose of Revision Application No.22 of 1999.

7. Both the parties are at liberty to apply before the learned Single Judge.

Appeal stands disposed of accordingly.

(DR.S.RADHAKRISHNAN, J.)

(S.J.VAZIFDAR, J.)